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2
3 IN RE THE MEETING OF THE)
4 CALFED BAY-DELTA PROGRAM,)
5 PUBLIC HEARING)
6 _____)
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10 TRANSCRIPT OF PROCEEDINGS

11 OFFICES OF THE
12 SANTA CLARA BOARD OF SUPERVISORS

13 70 West Hedding Street


14 San Jose, California

15 Monday, May 18, 1998, at 7:00 p.m.
16
17

18 **ORIGINAL**
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20 REPORTED BY: LESLEY D. SCHNEIDER, CSR NO. 10580, RPR
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24 PORTALE & ASSOCIATES DEPOSITION REPORTERS
25 211 East Weber Avenue
Stockton, California 95202
(209) 462-3377



PORTALE & ASSOCIATES (209) 462-3377

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1 All parties present, the following proceedings were
2 had at 7:00 p.m.:)

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4 HEARING OFFICER BODOVITZ: I'd like
5 to welcome all of you to the 13th of 17 public
6 hearings being held on the draft environmental
7 documents prepared by the CALFED Bay-Delta Program.

8 In a moment I'll go over the ground
9 rules for our statements tonight, but the key one is
10 that if you wish to speak, you need to fill out one
11 of these yellow cards which are on the table just
12 outside. We take speakers in the order in which the
13 yellow cards are filled out, so if you haven't filled
14 out a yellow card and wish to speak, I encourage you
15 to do so without delay. As I say, I'll go quickly
16 over the grounds rules in a moment, but first I want
17 to do two very preliminary things.

18 One is introduce myself. My name is Joe
19 Bodovitz, and I will be presiding at the hearing
20 tonight. I'm not part of the CALFED Bay-Delta
21 Program, rather the idea was to have someone outside
22 to ensure an independent, impartial and complete
23 record of the hearings. I have a small nonprofit
24 organization that works to help people find as much
25 agreement as possible on contentious issues affecting

1 the economy and the environment in California.

2 My background, as a few of you may know,
3 is I was the first executive director of the San
4 Francisco Bay Conservation and Development
5 Commission, later the first executive director of the
6 Coastal Commission, and still later executive
7 director of the Public Utilities Commission, which
8 regulates all the investor-owned, privately owned
9 water companies in California, so I have at least
10 some background in the subject matter we'll be
11 discussing tonight.

12 Now, people at a hearing like this like
13 to know that what they are saying will go straight to
14 the people who are going to be making the decisions.
15 The CALFED Bay-Delta Program is managed by a number
16 of state and federal agencies, and all of the people
17 who are in charge of the management of the project
18 cannot attend all of the hearings, but some of them
19 are attending every hearing, so you may be sure that
20 when you speak, you are being listened to by the
21 people whose votes will help determine the final
22 outcome.

23 In addition, we have a court reporter,
24 and these are being taped, so everything that is
25 being said at any of these hearings will be made

1 available to and listened to by people who are part
2 of the decision making group.

3 Let me then introduce the three people
4 with the CALFED Bay-Delta management team who are
5 here with us tonight: On my far left is Patrick
6 Wright, who is federal coordinator of the CALFED
7 Bay-Delta Project team; Katherine Kelly, who is in
8 charge of project planning for the Department of
9 Water Resources; Walter Yep, who is in charge of
10 comparable planning for the Army Corps of Engineers.

11 And, in addition, there are two members
12 of the Bay-Delta Advisory Committee who are here
13 tonight: Rosemary Kamei and Richard Izimirian. If
14 you two would just stand, thank you very much for
15 coming tonight.

16 Now, finally before we begin hearing
17 from you tonight, we found that at all these hearings
18 it's very useful if we take just a few minutes so
19 that everybody has the same understanding of why
20 we're here, what these draft documents are, where
21 things stand in this process, what will help next,
22 and how your statements tonight will fit into the
23 process.

24 So I want to ask Rick Breitenback of the
25 CALFED Bay-Delta staff to summarize what I just said

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1 so we'll all be clear before we start our statements
2 tonight.

3 Rick.

4 RICK BREITENBACK: Thank you, Joe.

5 I hope I'm not in too many of your way
6 over here.

7 I'm just going to step through a few
8 overheads and point out a couple of features of the
9 program, and then we'll turn it over to you to hear
10 what you have to say about the environmental
11 document.

12 I'd like to begin with a cast of
13 characters that are part of the program and that are
14 all interested in seeing that the problems in the
15 Delta are fixed, and you'll see right at the top of
16 this overhead are the "Governor and the Secretary of
17 Interior," and I don't know how many program
18 organizational charts you've looked at before where
19 you have seen those sitting right at the top, but
20 they are actively involved in this program, and their
21 presence on this organizational chart I think is a
22 clear indication of the importance both the state and
23 the federal agency place on the program and seeing
24 the problems resolved that the program is tackling at
25 the present time.

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1 The box in the center, the CALFED
2 Bay-Delta program box, is made up of 15 state and
3 federal agencies, five on the state side, 10 on the
4 federal side, that all have regulatory or management
5 responsibilities in the Delta. All of them are
6 working with the CALFED Bay-Delta program on a daily
7 basis to try to resolve the problems of the Delta.

8 Off to the right -- my right is a
9 circle that has the Bay-Delta Advisory Council in it,
10 and a couple members of the Bay-Delta Advisory
11 Council we just introduced. This is a group of
12 folks, 30 to 31 of them from all avenues of
13 California, representing a whole slough of interests
14 from water -- urban water districts to rural
15 communities, from agricultural water districts to
16 environmental interests. They review the work that
17 the program does, provide advice to the program,
18 carry the information back to their constituents,
19 offer them advice -- or, excuse me, explains the
20 program to them, carries the information back from
21 their constituents to us, so it's been working fairly
22 well. Also a part of the program is that they take
23 part in a variety of the work groups that the program
24 has set up. So they in their own way are working
25 with the program to resolve the problems in the Delta

1 or come to solutions for the problems in the Delta.

2 So I've said problems in the Delta a
3 number of times. What really are the problems that
4 we're tackling in the program? There is four of
5 them. The ecosystem in the Delta has been on the
6 decline for the past number of years. Water quality
7 in the Delta is going downhill. The levees that
8 surround the islands and provide the channels through
9 the Delta are deteriorating, and then last, but not
10 least, certainly, is that water reliability has
11 seemed to have dropped off as well.

12 So those four problems are the ones that
13 the program is tackling and has developed solutions,
14 and I think you've seen them outside, and in reading
15 the document, you've got a handle on what the
16 solutions are.

17 In the past people have attempted to fix
18 different problems, but they have usually focused on
19 one or another of those problem areas that you see up
20 there, and they really haven't focused on all four,
21 so in fixing one of the problems, they have usually
22 wound up with a conflict with another one of the
23 problems.

24 As I said earlier, the program has come
25 up with an approach where we believe we can resolve

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1 all four problems without those conflicts.

2 So what's in an alternative? There is
3 eight different pieces to each alternative. Six of
4 them are the same in each alternative. These six
5 (indicating). And when you read the documents, you
6 see reference to "common program." Those are the
7 common programs. And there are two elements, storage
8 and conveyance, that vary among the three
9 alternatives.

10 One of the questions that was asked at a
11 number of the meetings has been, "What sort of land
12 use charges are going to come about as a result of
13 implementing this program?" And obviously a number
14 of land use changes -- or there are potential for a
15 number of land use changes with each of these
16 elements with the exception of the water use
17 efficiency element.

18 That program as envisioned does not
19 involve any changes in land use. All the rest of them
20 have some change in land use contemplated. For
21 instance, if you build -- rebuild levees, you're
22 usually going to affect the land where you're going
23 to extend -- increase the size of levees.

24 If you implement the water quality
25 program, one of the problems that they're trying to

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1 deal with is the draining problem areas down on the
2 west side of the San Joaquin Valley, so you could
3 wind up retiring some of that land.

4 If you build storage or conveyance,
5 you're going to lay that over some parcel of land
6 that has a current use that will change as a result
7 of building that.

8 So there are a lot of land use changes
9 envisioned if these programs go forward, but water
10 use efficiency is not one of those.

11 And the reason I mention that a couple
12 times is that there is a thought out there that there
13 are a number of acres of land that are going to be
14 retired because of the water use efficiency program,
15 that is not part of the program, and I'm trying to
16 emphasize that so that when you walk away tonight,
17 you don't have the concept in mind that we are
18 thinking about land retirement in order to conserve
19 water.

20 You've all been reading the document,
21 and you know that it's made up of a number of
22 different reports. Two key reports, the main
23 document and the Phase II report.

24 Main document is about the
25 consequences. If you build the alternatives, if you

1 each of those actions that eventually comes forward
2 from the program.

3 The other item is the Phase II report.
4 This is a report which takes the analysis in the main
5 document a step further. You get a sense of how the
6 alternatives do with respect to a number of
7 characteristics, and more importantly it lays out a
8 number of the issues that the program believes we
9 need to deal with in order to get the preferred
10 alternative.

11 So I encourage all of you, if you only
12 read one document, to take a look at this one to get
13 a sense of the different issues that we are going to
14 have to deal with before we can come to an answer
15 about the preferred alternative.

16 Now, these are some of the issues that
17 are in that Phase II report, and I think these are
18 also issues that all of you are probably going to
19 speak to today as well as some additional ones.

20 First of all is evaluation of the
21 program. Obviously, we have written an environmental
22 document. There is a lot of analysis within that
23 document. What do you think about the analysis that
24 we did? What do you think about the assumptions we
25 had made? The tools that we used? Any thoughts at

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1 build the project, what sort of consequences will it
2 have? And we spent a good deal of time trying to lay
3 out those consequences.

4 Those of you that have read the document
5 may not find that overly satisfying, because what we
6 prepared here is a programmatic document, not the
7 site-specific document that many of you may be more
8 attuned to when you read environmental documents.

9 We certainly have a good sense of the
10 types of consequences that are going to occur, but
11 because we're looking at a program that's goes to
12 cover projects from one end of the state to the
13 other, projects are going to be built, come online,
14 five to 30 years from now, it's hard to say at this
15 time exactly where those actions are going to take
16 place, so we haven't written a document to identify
17 the specific consequences of actions that are way off
18 in the future.

19 Why we have written a document is to try
20 to identify for people the overall consequences if
21 you put all of these programs into place, so they
22 have a good understanding of what may come, and as we
23 move to implementation we'll do subsequent
24 environmental documents where we do spend a good deal
25 of time identifying the very specific consequences of

1 all, we'd certainly appreciate that.

2 Willingness to pay. Who is going to
3 pay for this program? As we've been on our travels,
4 we've heard from different folks that they are more
5 than willing to pay for anything that benefits them,
6 but they are not interested in paying for other
7 people's parts of the program. What do you think
8 about paying for the program?

9 Assurances. As I said, this program is
10 going to go on for some 30 years. How are we going
11 to keep the coalition, if you will, together so they
12 all believe that eventually they are going to get
13 their different piece of the program? What is it
14 that you need in order to be assured that if this
15 program goes forward, you're comfortable with it?

16 Again, of some of the people we have
17 been with, people have made it very clear that we
18 need to ensure that water rights are maintained, that
19 those don't get changed as a result of this program.

20 Area of origin rights needs to be
21 respected. Local ordinances with respect to land use
22 changes need to be respected. And so these are the
23 types of things that are coming forward, and we'd
24 sure like to here from you tonight what you think
25 about assurances.

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1 Selection of preferred alternative. We
2 hope to come to some decision about that later this
3 summer, but it's certainly not going to come only
4 from within the agencies. That's why we are here
5 tonight, and that's why we are going to continue to
6 work with stakeholders to get your sense of what
7 should be within that preferred alternative. So if
8 you have thoughts about what you think should be in a
9 preferred alternative, we'd sure like to hear about
10 it tonight.

11 What is next? This is sort of the
12 future. Obviously, we're taking public comments
13 right now. I don't know that -- if you're aware of
14 it or not, but last Monday the comment period was
15 extend to July 1. It was June 1. It's been extend
16 to July 1.

17 We will take those written comments, as
18 well as the oral comments, we receive in the public
19 hearings and respond to all of them, and to the
20 extent that it's necessary we'll even adjust the
21 environmental documents based on those comments.

22 Select a draft preferred alternative.
23 As I already said, we're looking towards doing that
24 later this summer, and that a lot of the information
25 we receive from everybody during this round of public

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1 comments is going to be helpful in making that
2 selection.

3 Revise the draft. We are going to
4 revise the draft, put out another draft at the end of
5 the year, and that draft at the end of the year is
6 going to contain the draft preferred alternative, so
7 that when it goes back out to you, you will have a
8 chance to review the document and read what we have
9 put in there with respect to the preferred
10 alternative.

11 We'll have another public comment
12 period. The length of that period hasn't been
13 decided. It will be at least 75 days and maybe
14 longer.

15 We're going to finalize the preferred
16 alternative and then put out the final EIS/EIR, and
17 then after a 30-day comment period, we'll certify
18 that EIS/EIR, and then beginning somewhere late in
19 '99, we are going to start to implement the program
20 if everything goes well, and that concludes my
21 presentation.

22 HEARING OFFICER BODOVITZ: Many
23 Thanks, Rick.

24 Let me now quickly go over the ground
25 rules for tonight.

1 For those of you that came in late, let
2 me again say that if you wish to speak, it's
3 necessary to fill out one of these yellow cards on
4 the table outside. We will again take speakers in
5 the order in which we receive the cards.

6 There is also on the table outside a
7 schedule of the remaining hearings. Although we have
8 been all over the state from San Diego to Redding,
9 the remaining hearings are in Northern and Central
10 California. We'll be in Vacaville tomorrow night,
11 and Yuba City the next night, and then the final two
12 of the hearings are in Stockton and Santa Rosa. I'm
13 not suggesting you wish to go to several hearings on
14 the same subject, but there are several within this
15 general area.

16 Now, it's already been discussed that
17 we have a court reporter, and the hearing will be
18 taped tonight.

19 The ground rule we've used all over the
20 state is to ask everyone to limit verbal comments to
21 no more than three minutes. We have a little stop
22 light here that will help you see how you are doing.
23 When you start, the light will be green. When you
24 have one minute to go, the light will be yellow.
25 When your time has expired, the light will turn red,

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1 and we ask that you finish the sentence or at least
2 the paragraph that you are in the middle off.

3 Now, we all agree that three minutes
4 isn't a lot to discuss this very complicated subject,
5 and for that reason written comments of any length
6 will be accepted as long as they are received by
7 July 1st, and, as Rick said, every comment, both in
8 writing and at the hearings, will be responded to and
9 dealt with.

10 We found in the hearings thus far that
11 it is possible to say a great deal in three minutes,
12 and many people will have more to say in the -- in
13 longer written statements.

14 Most of the rooms we have been in have a
15 central aisle, and we've been able to put a
16 microphone in the central aisle. The problem with
17 putting one in an aisle here is we'll then get right
18 in the feedback from the speakers, and it won't
19 work. So the microphone here, I don't know whether
20 all of you can see it, is in about the third row, and
21 it means that you'll have to kind of slide in and
22 slide out, but at least that way everybody will be
23 able to hear.

24 Now, I will call three speakers at a
25 time, and therefore if you're in the middle of a row

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1 you'll be -- you'll know that you're about to be
2 called on, and we ask that you move to the aisle and
3 be ready to speak when your name is called.

4 Unless there are questions on the
5 procedure, let's start.

6 The first card is from Frank Bakony,
7 followed by Robert Burick, followed by -- I hope I'm
8 pronouncing the name right -- Huali Chai.

9 FRANK BAKONY: Good evening. I'm
10 somewhat surprised to be the first speaker, but I'll
11 try to make it very brief.

12 I'm representing Resource Conversation
13 International, and my comments on this project and
14 the tremendous amount of work that went into this
15 paperwork and documentation which we have been
16 presented with: I propose to look at seeing
17 something alternatively with a different point of
18 view. This issue addresses the water use efficiency,
19 and I only speak for most of the residential areas in
20 our urban settings. Instead of doing the same thing
21 what you're doing in the last 50 years with more
22 dams, levees and change nature, instead what you
23 should do is see how we could maintain our
24 communities, our comfort level in the house, and at
25 the same time achieve our ultimate goal.

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1 So currently what we are doing is this
2 in the house where we live: We use the water, take a
3 shower, you know, flush toilets, et cetera, and then
4 use drinking water to wash our lawn -- to irrigate
5 our lawns, your garden, wash cars, everything else.
6 What I'm proposing is that instead -- and then the
7 water, of course, from personal use, hygiene flows
8 into the central processing unit and gets discharged
9 into the rivers and the ocean, what have you, or the
10 Bay, and instead of using this system, what we switch
11 to is what we call distributed processing system.

12 Today technology enables us to make such
13 devices which would -- in essence would plant our
14 small miniature water cleaning plant in your own
15 backyard. What it would do is clean your water, what
16 use more for personal use, make it to be water
17 dischargeable -- surface dischargeable water, and
18 then store it in a location, so when you want to wash
19 your car or maintain your landscaping, use that water
20 again. It would in essence reduce your water
21 consumption by 60 to 80 percent, and with the reduce,
22 eliminate your discharge into central water --
23 central sewer district, and my engineer partner and
24 myself, have developed such a system, which today's
25 technology enabled us do that.

1 In the last 10 years technology were
2 declassified, and so by using these devices, we build
3 the very same unit which is available -- and I'm
4 having a hard time to get the point across. I'm not
5 sure whom I should speak with who could help us with
6 this program. But in itself it would actually allow
7 us to use twice as much water, or extend our usage,
8 you know, for twice the population with the same
9 existing system, and it would eliminate tens of
10 billions of dollars spent on reforming our state, for
11 instance, for that matter, and so, again, the
12 distributed water processing would be one very good
13 alternative to what is being proposed in our future.

14 Thank you.

15 HEARING OFFICER BODOVITZ: Thank
16 you, sir.

17 Robert Burick, Hauli Chai, Julia Bott.

18 ROBERT BURICK: Good evening.

19 The issue that is before the body and
20 the state of California is water, and the issue is
21 the quantity of water.

22 In the last 25 years the population of
23 California has essentially doubled with no
24 construction of additional storage space -- no
25 meaningful construction of additional storage space.

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1 We are today running on water that is
2 being produced by our forefathers in terms of dams,
3 reservoirs and conveyance systems that have long
4 predated the people that sit in the room this
5 evening.

6 We continue to let millions of acre
7 feet of flood water empty into the Pacific Ocean
8 uncontrolled, doing damage along the way annually.

9 Absent in all the plans -- the
10 alternative plans, and while it mentions storage, but
11 absent are specific plans to build additional
12 storage. This storage is severely needed.

13 With the additional storage any three of
14 the alternatives probably becomes acceptable to all
15 the stakeholders. Absent additional water, the
16 playing with, divvying up and monkeying with existing
17 quantities on a growing population base is insanity.

18 We need to identify within the system,
19 northern and southern, on the river systems, those
20 areas that are still developable to store the
21 floodwater, provide water to the system during the
22 low-flow periods, satisfying agriculture, humanity,
23 fishing, fowl, and whatever use we need to put the
24 material to.

25 Alternate 3, I can assure you, is the

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1 preferred alternate in Southern California. They are
2 preparing well for Northern California water.
3 Currently under construction by the
4 Metropolitan Water District are three new tunnels, 18
5 miles in length, 50 miles of 144-inch pipeline, and
6 a .8 million acre foot reservoir in Southern
7 California to store the water when it gets there from
8 both Northern California and the Colorado River.
9 That reservoir is not a dam. It's merely a tank.
10 Water will be pumped into that from Northern
11 California and Colorado River sources. It's not a
12 storage facility in the sense that we are controlling
13 flood or capturing floodwater. This is simply a tank
14 for distribution for all of those areas in Southern
15 California south of the Tehachapies.

16 HEARING OFFICER BODOVITZ:

17 Mr. Burick, the time is gone.

18 ROBERT BURICK: Thank you.

19 HEARING OFFICER BODOVITZ: Thank
20 you.

21 Huali Chai, Julia Bott, James Fryer.

22 HUALI CHAI: Good evening, CALFED
23 representatives, ladies and gentlemen. My name is
24 Huali Chai. I'm an attorney who practices law here
25 in San Jose, and I'm also a member of the President's

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1 Water Western Policy Water Review Advisory
2 Commission. I've come today to testify not as a
3 commissioner, but as an individual.

4 My message is as follows: First, to
5 caution against hasty adoption of any of these three
6 alternatives. Second, to ask for new alternatives,
7 which return our focus to the health of the San
8 Francisco Bay and Delta. Third, to urge CALFED to
9 reevaluate conservation and efficiency options as
10 alternatives to new storage and conveyance. And
11 last, to urge CALFED to expand the public comment
12 process and heed the California voters' 1982
13 referendum against the peripheral canal.

14 First, it is vital to CALFED's future
15 to pursue an alternative that has widespread support.
16 After so much progress, let us not hastily select any
17 alternative which is unacceptable to much of the
18 public and which deeply cleaves the participants.

19 Second, the original objective of CALFED
20 was to protect and restore the Delta and San
21 Francisco Bay, yet the major focus of the three
22 alternatives is on the movement of water from north
23 to south. It is as if the process is in danger of
24 being captured by strong interests whose purpose is
25 to divert water away from the San Francisco Bay-Delta

1 region.

2 To protect the region we must preserve
3 the Delta's heart, its existing configuration, and
4 supply the Delta and San Francisco Bay with
5 sufficient fresh water to prevent salt water
6 intrusion which would destroy water quality and
7 change the ecosystem.

8 Let us consider new alternatives which
9 will emphasize the movement of water from east to
10 west, to the Delta and Bay, rather than diversion
11 from north to south.

12 Third, each of the present alternatives
13 assumes we need up to three million acre feet of new
14 storage north of the Delta and up to two million acre
15 feet south of the Delta. We should analyze whether
16 the storage is necessary and conduct a separate
17 evaluation of each storage proposal. We should also
18 undertake thorough studies on whether conservation,
19 recycling, water marketing, and voluntary transfers
20 can meet our objectives.

21 Last, I suggest that these hearings are
22 an inadequate gauge of the public's position on these
23 alternatives. In 1982 California voters went to the
24 poles and overwhelmingly rejected the peripheral
25 canal. We should not supersede that referendum.

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1 If CALFED disregards the earlier
2 statewide pole, what assurance can people feel that
3 16 years in the future CALFED structures will not be
4 used for more massive diversion. Either we should
5 accept the 1982 vote against the peripheral canal or
6 allow the people to vote again on this critical
7 issue.

8 Thank you.

9 HEARING OFFICER BODOVITZ: Thank
10 you very much, Ms. Chai. That bolsters my contention
11 it's possible to say a lot in three minutes.

12 Julia Bott, James Fryer and Scott Yoo.

13 JULIA BOTT: My name is Julia Bott,
14 and I represent the Sierra Club, Loma Prieta Chapter.

15 The Sierra Club will be submitting
16 detailed written comments at a later date.

17 Besides addressing water supply, this is our
18 final opportunity to protect, and if we are lucky,
19 restore the Bay-Delta ecosystem, but in order to do
20 so, we have to make decisions which aren't business
21 as usual. We can't continue to rely on methods that
22 got us in this predicament in the first place.

23 More storage, new canals should not be
24 our first choice. They should not be what we rely
25 on.

1 Instead we need to focus on the smart
2 alternative: On conservation. And we have got to
3 focus on cleaning up our act. We've got to stop
4 polluting our waterways.

5 A few other things we need: We need to
6 retire marginal agricultural lands. We need changes
7 in irrigation practices. We need water meters in
8 those cities that don't have them. We need to change
9 our irrigation and fertilization practices so we keep
10 pollutants out of our waterways.

11 The Sierra Club urges you to go back and
12 to improve these components and to improve the
13 aspects that focus on conservation and pollution
14 prevention.

15 More concrete dams, more canals are not
16 the way to fix the problems of the Bay-Delta.

17 Thank you.

18 HEARING OFFICER BODOVITZ: Thank
19 you, Ms. Bott.

20 James Fryer, Scott Yoo, Don Hordness.

21 JAMES FRYER: Thank you.

22 The draft programmatic EIS/EIR, does not
23 provide cause for optimism. The water demand
24 reduction program measures for urban and ag sectors
25 are too weak. More aggressive measures can and

1 should be implemented. More importantly, despite
2 assurances otherwise, CALFED has been a closed,
3 insider process, and this document has badly suffered
4 from that mistake.

5 While scientific understanding of the
6 Bay-Delta problems has progressed, the new tools for
7 comprehensive watershed analysis are available, the
8 CALFED alternatives have not progressed beyond failed
9 measures of the past.

10 We all know the story of a crew who
11 stood by and allowed the loss of a ship and about
12 15,000 lives because their thinking on the problem at
13 hand was institutionally constrained by a bygone
14 era's mind-set. Recently fifth grade school kids
15 analyzed the same problem and developed a practical
16 plan that could have saved the victims that fateful
17 night. The captain and crew had the necessary tools
18 at hand, but failed to recognize new ways to use
19 them. CALFED is making the same mistake.

20 It's time to venture outside the box
21 and consider solutions beyond serial engineering of
22 just building more dams and canals. CALFED often
23 cites intentions to utilize adoptive management.
24 Well, the time is here for CALFED to adopt and
25 embrace new approaches. Until CALFED demonstrates

1 this ability, how can interested parties believe

2 CALFED's promises, assurances?

3 The DEIS/EIR does not adequately
4 evaluate nonstructural alternatives and beneficial
5 linkages between water supply, fluid management and
6 habitat restoration.

7 A new Bay-Delta management model,
8 Integrative Flood Plain Management, was presented to
9 CALFED last year in a timely manner. This fourth
10 alternative has considerable potential to restore
11 riparian and seasonal wetland habitat, increase
12 groundwater recharge, and restore rivering
13 base flows, increase reservoir yield from
14 re-operation of existing storage facilities, increase
15 in-stream flows, improve physical and chemical water
16 quality, and reduce frequency and stage of flood risk
17 to Delta levees, all within a cost-effective
18 framework of economic incentive.

19 Integrative Flood Plain Management
20 offers substantial benefits to all stakeholder groups
21 and is consistent with CALFED overall objectives.
22 The approach offers a viable and reasonable
23 alternative to the three alternatives presently under
24 consideration; however, without bothering to
25 seriously consider this alternative, CALFED quickly

1 dismissed the scientific analysis of its new
2 approach.

3 CALFED's proposed bandage-like solutions
4 are not enough. We need to look at the fundamental
5 natural processes that made the ecosystem what it
6 once was and explore ways to restore these processes
7 while incorporating human resource needs. That is
8 what Integrative Flood Plain Management is all about,
9 and CALFED needs to seriously evaluate it as an
10 alternative.

11 The DEIS/EIR, CALFED has failed to offer
12 a viable solution. While the tools are at hand and
13 innovative solutions were offered in a timely manner,
14 CALFED has stubbornly turned its back.

15 HEARING OFFICER BODOVITZ: Mr.
16 Fryer, your time has gone as well.

17 JAMES FRYER: Thank you.

18 HEARING OFFICER BODOVITZ: Scott
19 Yoo, Don Hordness, Paul Wenger.

20 SCOTT YOO: Good evening. My name
21 is Scott Yoo, and I'm vice president of water quality
22 for the San Jose Water Company. My company provides
23 water to about 950,000 in the metropolitan San Jose
24 area, and we're the largest of 14 water retailers
25 served by the Santa Clara Water District.

1 I'm making a statement on behalf of the
2 retail water agencies whose customers collectively
3 account for 85 percent of the total water use in
4 Santa Clara County.

5 As water retailers or utilities, we
6 share the common goal of providing quality products
7 and service to all of our customers. Because we rely
8 on the state and federal water projects for more than
9 half of the county's water supply, we look to the
10 CALFED Bay-Delta process to ensure that we have a
11 reasonable opportunity to achieve this goal well into
12 the future.

13 We have chosen six single word
14 objectives to summarize our needs from the Bay-Delta
15 process. They are equity, adequacy, certainty,
16 flexibility and affordability and quality:

17 "Equity" means that all water users will
18 be treated equally with none given priority over
19 another.

20 "Adequacy" means that quantities of
21 water will be adequate for the purposes set forth.

22 "Certainty" means that the apportionment
23 of available water will remain unchanged for a long
24 period of time.

25 "Flexibility" means that water suppliers

1 from the state and federal projects are impacted by
2 sea water intrusion, agricultural and urban drainage
3 and organic soils. When treated for municipal
4 supplies, these waters produce higher levels of DBP's
5 than other local and imported sources.

6 The water districts and the Santa Clara
7 Valley water retailers are committed to protecting
8 the public's health and meeting all safe drinking
9 water standards. This is even though the district
10 recently advised the retail water agencies that to
11 meet the anticipated stage, two DBP regulations may
12 require a doubling of water rates over the next five
13 to 10 years.

14 We're concerned, however, that without
15 sufficient source water quality improvement in the
16 Delta, it may not even be feasible to meet future,
17 more stringent water quality standards, even with the
18 best available technology.

19 For this reason we're asking that you
20 give source water quality and public health
21 protection a very high priority in the development of
22 the final Bay-Delta solution.

23 I hope that helps.

24 I'd like to thank you for coming to San
25 Jose and providing us an opportunity to comment.

1 will have the right to pursue and develop other water
2 supplies not covered by these agreements.

3 "Affordability" means that the ultimate
4 Bay-Delta solution will not result in significant
5 economic hardship for the citizens of California,
6 including water utility customers.

7 And "quality" simply means high quality
8 drinking water.

9 I'd like to focus the remainder of my
10 time on the issues of water quality, drinking water
11 standards and public health. Although California
12 drinking water standards are already among the most
13 stringent in the world, the trend for the foreseeable
14 future is to make them even more stringent. The most
15 relevant example is the regulation of disinfection
16 byproducts or DBP's.

17 This fall the US EPA will finalize
18 regulations reducing the allowable levels of
19 triethylmethane in drinking water and setting new
20 standards for other DBP's that were previously
21 unregulated.

22 A second stage of this regulation is
23 anticipated to impose even more stringent standards
24 by the year 2003.

25 Water that's delivered to our county

1 HEARING OFFICER BODOVITZ: Thank
2 you, Mr. Yoo.

3 Don Hordness, Paul Wenger, Art Jensen.

4 DON HORDNESS: Hi. My name is Don
5 Hordness, and I'm the president of the Santa Clara
6 County Farm Bureau and a mushroom grower in south
7 county.

8 At a time when CALFED works to solve
9 environmental programs in the Bay-Delta, it must also
10 assure that it meets the needs of farmers, industries
11 and urban residents. CALFED's solutions must bring
12 reliable water suppliers improved water quality to
13 our state's human residents. The solutions must
14 include significant, significant new water storage to
15 conserve the excess water during the wet years for
16 use by the environment and the humans during dry
17 ones.

18 Cost must be shared fairly. Those
19 who create demand and benefit from the new supply
20 must pay for them.

21 California farmland is a global
22 resource, and CALFED must keep the conversion of
23 that land to a minimum.

24 CALFED's solutions must not be based on
25 the conversion of farmland and the redirection of

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1 agricultural water. Farmers want CALFED to succeed,
2 and we will not accept solutions that don't benefit
3 agriculture in our region and statewide.

4 Thank you.

5 HEARING OFFICER BODOVITZ: Thank
6 you, Mr. Hordness.

7 Paul Wenger, Art Jensen, Rosemary Kamei.

8 PAUL WENGER: Good evening. My
9 name is Paul Wenger, and I'm representing the
10 California Farm Bureau Federation, and I thank you
11 for having these meetings, that you can get out into
12 the areas and listen to people out in the field, so
13 to speak.

14 The basis of CALFED was that all
15 stakeholders will pay and that all will get well
16 together, and no one should benefit to the detriment
17 of someone else. Those are honorable and lofty
18 goals, but as we go through and look at the
19 alternatives, I would have to say that those in the
20 agricultural area probably suffer a little bit more
21 of a detriment with nothing really that we can see as
22 far as the gain.

23 The CALFED process needs to succeed,
24 but in order to succeed, we need to make sure we
25 envision everything, where California is going to be

1 a year. They act like a sponge, so you are not going
2 to yield any excess water, you are actually going to
3 consume more water, water that we don't already have.

4 The current proposals will see the
5 retirement of 600,000 to a million acres of
6 productive farmland. That speaks nothing of land
7 which will retire due to urban development, again
8 impacting lands that already have access to developed
9 water, so it's just not what happens to CALFED, but
10 we're going to see a lot of ag land go out of
11 production.

12 And who will pay? Everyone needs to pay
13 because everyone will benefit.

14 Water storages must be made a common
15 program element. It is not the only solution, but it
16 is not something that could be a variable program.
17 It is extremely important to the success of our
18 future.

19 With 50 million population by the year
20 2025 proposed, we need more water in this state, we
21 need to use it efficiently, but water storage must be
22 made a common program element.

23 Thank you.

24 HEARING OFFICER BODOVITZ: Thank
25 you, Mr. Wenger.

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1 in the next 25 to 30 years.

2 According to Bulletin 160 from the
3 Department of Water Resources, they foresee that
4 we're going to be short of water every year for the
5 foreseeable future, and so something needs to be done
6 about that. And as they go through the 160 bulletin,
7 they talk about deficits for urban use and municipal
8 use and environmental use. They don't even speak
9 about agriculture. Sometimes as a producing farmer,
10 it makes me wonder what everybody eats every day, but
11 that is one thing that needs to be considered in
12 Bulletin 160 and CALFED, our agricultural base.

13 Water efficiency is necessary. It also
14 has reciprocal problems, especially our agricultural
15 areas. As we have used more and more efficient ways
16 of irrigation, we find out that we have less and less
17 water to replenish our underground aquifers. Again,
18 a resource that needs to be protected.

19 Retiring Delta lands to wetland
20 habitats will not necessarily give you more water.
21 It is well known that wetland areas, and taking what
22 some people would call marginal lands in the Delta
23 region and putting them back into wetland habitats,
24 lands that currently maybe use two acre feet of water
25 a year, will now consume up to six acre feet of water

1 Art Jensen, Rosemary Kamei, Eve
2 Clapham.

3 ART JENSEN: Thank you. It's a
4 pleasure to be able to speak to this group tonight,
5 and I also appreciate you coming down here to give us
6 that opportunity.

7 I represent the Bay Area Water Users
8 Association. That's 29 agencies which buy water from
9 San Francisco, and that includes about 2.4 million
10 people together with San Francisco. That surface
11 area represents the largest water utility service
12 area in Northern California.

13 I think that the CALFED staff has done
14 a commendable job to date, as well as the input from
15 all of the people that are on the stakeholder
16 committees. That's a broad representation.

17 I think that the document that you have
18 presented is necessarily general and broad and
19 flexible at this time. I also would wish for more
20 specifics, but I think it's appropriate for this
21 stage in the programmatic approach.

22 The issues we face include water
23 quality, water supply and water supply reliability.
24 I would say that our current sources for this service
25 area is no surprise to you. Our local sources, that

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1 each of the 29 agencies that I represent have, if
2 they have those available, some of them buy water
3 from the Santa Clara Valley Water District, which has
4 local supplies as well as Delta supplies, and the
5 common bond for my agencies is they buy water from
6 San Francisco, which has local supplies as well as
7 the Hetch Hechy supply.

8 You'll notice the Hetch Hechy supply and
9 the Delta supply are both noted as well as the local
10 supplies. The significance is that we need to use
11 our local supplies efficiently, and we are currently
12 working on studies that would allow the 29 agencies
13 in San Francisco to make optimal use of their local
14 supplies, groundwater conjunctive use, if they have
15 it, water conservation, and water reclamation.

16 The imported supplies to the area, the
17 Delta supplies, and the Hetch Hechy supplies are
18 obviously a subject of the work that CALFED is
19 doing, and we seek a balanced solution to both
20 obtain upstream and Delta diversions.

21 With respect to comments on the
22 document as it stands, I would say that I would
23 request that you retain flexibility through
24 implementation to permit urban water management
25 entities to do what is appropriate in their service

1 a public hearing here in San Jose.

2 As you know, San Jose is California's
3 third largest city and is the capital of Silicon
4 Valley. About 1,500 of the nation's 2,500 largest
5 electronic firms are located in the San Jose area.

6 Santa Clara County is also home to 1.6
7 million people. Our residents demand a high quality
8 of life, that includes safe, clean and reliable
9 water, and a healthy environment.

10 In an average year over half of the
11 water supply in Santa Clara County is imported from
12 the Bay-Delta watershed. We have experienced
13 tremendous uncertainties and cutbacks with this
14 imported supply in the late '80s and early '90s. We
15 believe that resolving the environmental issues
16 related to the Bay-Delta is key to improving the
17 reliability and certainty for our imported supplies.

18 We are committed to pursue conservation
19 -- more conservation and reuse. As a matter of fact,
20 our conservation efforts have been so successful that
21 it took us 10 years to return to the water use levels
22 of '87 during a period of very rapid growth in this
23 area; however, we are still dependent on a reliable
24 base supply of imported water from the State Water
25 Project the Central Valley Project and Hetch Hechy.

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1 areas. I would ask that you ensure reliable water
2 quality for urban uses. You've heard Scott Yoo speak
3 to that quite articulately.

4 The public demands -- the entire public
5 demands confidence in the water quality at their tap,
6 and the source of water quality must be protected.

7 I would also ask that you establish
8 lasting solutions to the environmental issues as that
9 will provide the greatest source of reliability for
10 urban and probably agricultural uses as well. As
11 long as those environmental issue are not taken care
12 of to the satisfaction of the public, the water
13 supply available for urban uses will be at risk and
14 unreliable.

15 Thanks very much.

16 HEARING OFFICER BODOVITZ: Thanks,
17 Mr. Jensen.

18 Rosemary Kamei, Eve Clapham, Jim
19 Tucker.

20 ROSEMARY KAMEI: Good evening,
21 ladies and gentlemen. I am Rosemary Kamei. I'm a
22 member of the Bay-Delta Advisory Council and a member
23 of the board of directors of the Santa Clara Water
24 District.

25 I would like to thank CALFED for holding

1 As part of our mission to provide high
2 quality water that meets or exceeds all applicable
3 standards, the district will upgrade our water
4 treatment plants to an ozonization process; however,
5 we believe that water quality standards will continue
6 to get more stringent as health concerns in chronic
7 and acute exposures to pathogens and disinfection
8 byproducts continue to be raised.

9 It is critical that our source water
10 quality be improved such that the utilities like
11 ourselves can reasonably achieve the regulatory
12 standards with advanced treatment technology that is
13 both feasible and affordable.

14 Since there are still many uncertainties
15 on the effectiveness of water quality actions in
16 improving drinking water quality, we urge CALFED to
17 keep the options of the isolated conveyance facility
18 to improve source water quality viable and to start
19 the planning process as soon as the program
20 implementation begins, otherwise utilities like
21 ourselves may have a difficult time meeting future
22 standards given EPA's short compliance schedule.

23 We would also like to remind CALFED of
24 your solution principle of affordability and equity.
25 We would like to see CALFED solutions be kept

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1 affordable and the cost of allocations to water users
2 to be commensurate with benefits received and that
3 every stakeholder interest get better together.
4 We support the ecosystem restoration
5 program, as demonstrated by or contributions to the
6 category 3 program to get projects implemented right
7 away, but we also want to see drinking water quality
8 and water supply reliability start to improve along
9 with environmental improvements.

10 Thank you very much.

11 HEARING OFFICER BODOVITZ: Thank
12 you, Ms. Kamei.

13 Eve Clapham, Jim Tucker, Jean MacKenzie.

14 EVE CLAPHAM: Hello. My name is
15 Eve Clapham, and I'm a grandmother, as you can see,
16 and I'm here to speak for the grand -- my
17 grandchildren and your children and your
18 grandchildren and great grandchildren who will be
19 living on this land long after we have left.

20 I do ask you to be patient with me
21 because some of the questions that I ask may seem
22 really dumb and stupid, but I know people who want to
23 know answers to questions like these, and for them I
24 speak because some of them are a little bit
25 embarrassed to get up and say things that might be

1 for the retraining of rural farm workers, like
2 out-of-work loggers we're training. Well, it doesn't
3 sound like the plan is preserve ag lands. It sounds
4 like they are going to eliminate them, and put up
5 what? Housing tracts? Are land developers behind
6 some of these proposals? Rural populations are
7 growing geometrically. We need more food, not less.

8 Forty-six percent of the ag water is
9 used for cotton, hay, rice and alfalfa. What
10 products use the other 42 percent, or the major? Is
11 it possible to phase out these high consumption of
12 water products? Do we have the legal clout to do it?
13 Rice is grown in desert areas and takes
14 more water there. Can we ask people to move it to
15 marshed lands. There again, do we have the legal
16 right to do that? I don't know, and you know more
17 about it.

18 But before we build canals and things,
19 we really should look into something that is more
20 reasonable, and we do have to have vision and
21 creativity if we are to meet the needs of the future,
22 our children, your children, our grandchildren.

23 Thank you.

24 HEARING OFFICER BODOVITZ: Thank
25 you, Ms. Clapham.

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1 laughable.

2 But with that, I don't know too much
3 about the water, except I do drink it and have been
4 drinking it for many, many years. But in dental --
5 dentistry and in public health, which is my field,
6 there is a statement "do no harm." And any solutions
7 that we do reach should be of a natural kind of way,
8 if possible, before we go into radical things like
9 peripheral canals and all that. Things like
10 groundwater storage is nice because it doesn't
11 evaporate as quickly. You know more about that than
12 I do.

13 Some of my questions that I have are
14 these: It's my understanding that agriculture is
15 represented more by the large corporations. That the
16 little farmer that we have in our mind is not really
17 there anymore. So -- and I have heard that huge
18 profits can be made by the sale of water is not
19 needed for agricultural purposes. Well, if the water
20 isn't needed, why is it allocated in the first place
21 to be resold? It may be dumb, but we would like to
22 know.

23 In the Mercury News this morning a
24 statement was made that really chilled me. It said
25 that the proposals that are before us include moneys

1 Jim Tucker, Jean MacKenzie, Bob Groves.

2 JIM TUCKER: Thank you. My name is
3 Jim Tucker. I'm with the San Jose Silicon Valley
4 Chamber of Commerce. Our organization is made up of
5 nearly 2,300 businesses from Menlo Park through
6 Gilroy, ranging in size from one-person shops to the
7 valley's largest employers. I'm here tonight to
8 offer our support for the CALFED process and commend
9 your efforts to tackle the difficult water issues
10 that affect our economy.

11 Silicon Valley businesses rely on water
12 supplies that are reliable and of high quality. This
13 valley depends upon the Bay-Delta watershed for more
14 than half its annual water supply, as Scott Yoo
15 mentioned just a few minutes ago. Any uncertainty in
16 the areas of supply and quality could be detrimental
17 to our economy. In our view the CALFED process can
18 provide the certainty we need to ensure that our
19 businesses and industry can continue to operate.

20 As members of the business community
21 also, we are concerned about quality of life. We
22 believe CALFED offers a balanced way to fix the
23 ecological problems that beset the Bay-Delta area.

24 Taking these factors into consideration,
25 our organization is inclined to support Alternative

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1 3, or at least Alternative 2, but we're not there
2 yet, as neither are you. We are reassured, however,
3 by your stakeholder-driven process to develop a
4 consensus-based packaged of long-term solutions.

5 Thank you.

6 HEARING OFFICER BODOVITZ: Thank
7 you, sir.

8 Jean MacKenzie, Bob Groves, Counsel
9 Member Trixie Johnson of San Jose.

10 Ms. MacKenzie?

11 UNIDENTIFIED VOICE: She had to
12 leave.

13 HEARING OFFICER BODOVITZ: Bob
14 Groves, Counsel Member Johnson and Kim Kinzie.

15 BOB GROVES: Good evening. My name
16 is Bob Groves, and I thank you for the opportunity to
17 speak here tonight.

18 I may be outnumbered here, but I'm a
19 25-year recreational user of the Delta, and I believe
20 recreational interests are underrepresented, both in
21 draft, and I'd like to inquire whether or not BDAC
22 contains any recreational representation, and if not,
23 I'd like know the reason why.

24 My concern is specific to the south
25 Delta. That's the area I'm familiar with. It's also

1 through implementation, as Rick alluded to earlier,
2 as things get done, how do you keep everybody on
3 board? I think that design and planning and concept
4 areas need to be tied into the operational areas so
5 that everybody is still involved once it gets turned
6 over because I believe with the operational aspects
7 of what is going on in the forebay right now are not
8 being looked at because you're planning the next
9 thing instead of looking at what's already been done.

10 So I would like to see some assurances
11 that a site specific EIR be issued for any planned
12 changes to the Clifton Court Forebay because I don't
13 believe that the programmatic level of detail offers
14 enough to the public to be able to see what is really
15 going on, and if that area is to be changed
16 dramatically, I believe that it really needs to be
17 looked at in very deep environmental detail.

18 We do have California threatened species
19 on islands immediately adjacent to the forebay which
20 are covered up by the dot that represent the new
21 intake, we are so small.

22 I would like to see those islands
23 represented and included in any further study of the
24 Forebay.

25 Thank you.

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1 the area where Clifton Court Forebay is and where the
2 current diversions originate. Those diversions have
3 been going on for more than 25 years now, and they
4 have been doing harm. I'd like to know what
5 assurances we can get that some of that will be
6 mitigated before CALFED moves forward, and it needs
7 to be recognized as such.

8 I'm concerned with configuration changes
9 to the forebay that are proposed. In 1980 it was the
10 South Delta Water Management Program, and it proposed
11 to double the capacity. In 1996 it was the Interim
12 South Delta Program, and it proposed to divert twice
13 as much water, and now with CALFED, it was very
14 difficult to get any kind of a conceptual schematic
15 of what the plan is now, but now it seems than rather
16 working tidally, which restricts us to two incoming
17 tides a day, twelve hours each -- or a total of 12
18 hours so that you're only able to divert half the
19 day, that the new configuration of the intake would
20 actually pump the water out, thus enabling you to go
21 24 hours a day, and requiring half the size to do
22 it. I see a lot of dusting off of old reports and
23 old ideas here. I'd like to see some new concepts.
24 I think it's time.

25 And in order to keep the process going

1 HEARING OFFICER BODOVITZ: Thank
2 you, Mr. Groves.

3 Some of you are asking some very good
4 questions in the course of your comments. As you can
5 see in fairness to the speakers yet to come, we're
6 not trying to interrupt the hearing and answer
7 questions, but members of the CALFED Bay-Delta staff
8 are here, they were here before the hearing, they
9 will be here at breaks and afterwards. You can
10 discuss questions with them.

11 Council Member Trixie Johnson, Kim
12 Kinzie, Jean Struthers.

13 TRIXIE JOHNSON: Thank you, and good
14 evening, and welcome to our city. We're delighted
15 that you chose us for one of your hearings.

16 I serve as the ABAG appointed local
17 government coach here in the Bay Area water policy
18 forum, and in that environment I have become well
19 acquainted with the CALFED process.

20 As a council member, I've been active in
21 developing three documents: The Water Policy
22 Framework; The Watershed Management Initiative, and
23 our general plan, Sustainable City Strategy Policy.
24 These are the documents which form the basis for my
25 comments this evening.

San Jose endorses the CALFED program objectives; however, we ask that you address the following concerns before selecting a preferred program alternative:

First, potential soft-path solutions should be evaluated prior to the consideration of new built programs. The common program elements, including marketing and transfers of water do not receive adequate consideration in the programmatic EIS/EIR.

Second, pollution originating upstream of the Delta should be reduced to improve the quality of your water supply. A CALFED solution should identify and carefully consider the benefits and costs of appropriate point and nonpoint source pollution prevention, best management practices.

Third, we expect CALFED to contribute funding to maximize the effectiveness of water reuse programs throughout the state, including our own South Bay water recycling program.

Fourth, we expect CALFED to provide funding and technical support to expand current city sponsored South Bay ecosystem restoration efforts.

Fifth, we urge CALFED to clearly define a desired condition or restoration target for

water quality for all beneficial users of Delta water.

We urge you to identify sources of nonpoint and point pollution in the Bay-Delta watershed and to evaluate the feasibility of pollution prevention efforts to improve the quality of flows destined for our water taps and the Delta.

We support development of a water transfer and marketing program that provides a reliable water supply to our area, encourages efficiency, reduces the need for new storage and conveyance and improves the condition of this ecosystem, but you must clarify the impacts that transfer and marketing would have on prime farmlands and agriculturally dependent communities. In our view water transfers that facilitate the conversion of prime ag lands to urban uses are undesirable.

We support water recycling as the right thing to do. It's a critical part of what we are doing here in San Jose. Within four years we'll deliver an established 20,000 acre feet of recycled water for ag -- for irrigation, industrial and environmental uses. It's small, but it's a part of what you need to produce. It's important that you need economics.

the Bay-Delta ecosystem, including the South Bay.

Six, we recommend that CALFED add an educational element to the common program and consider establishing a center for Bay-Delta research and educational activities.

And last, we request that the comment period on the programmatic EIS/EIR be extended beyond the July 1st date.

Our water policy guidelines encourage flexibility in securing and managing a water supply system that sustains a diverse and growing population, minimizes negative impacts to the environment, and maximizes opportunities for environmental restoration. Growth should occur within urban regions where new development can be guided to have a minimal impact on the environment.

Our concern is we continue to have access to a reliable bay supply of drinking quality water, and that the preferred alternative protect our entitlements to state, CVP and the Hetch Hechy water.

We support an equitable sharing between urban and ag users of the sacrifices necessary to provide water of sound quality to the Bay-Delta ecosystem, and support the goal of providing good

I'll submit this in writing, but you need to know you're putting out \$25 million, and by your estimate, if you're going to do water recycling, you need \$10 billion, and you need to consider that in your program.

And as far as ecosystem restoration, it is absolutely critical, we agree with the speakers, that without that the whole thing falls.

HEARING OFFICER BODOVITZ: Thank you very much.

Kim Kinzie, Jean Struthers, Ken Ashford.

KIM KINZIE: Hello. My name is Kim Kinzie. I am basically representing myself as a -- a homeowner on the island -- Bethel Island in the city in the middle of the Delta, and basically -- I'm trying to basically look at this situation. We have come down to a series of three alternatives. I find them very, very lacking in terms of their depth and amount of information that is presented to the users, both in terms of accuracy, as well as the breadth of the changes that are going to be introduced to the system.

First of all, we're going to 15,000-cubic feet per second. What is the current

1 rate? That is currently not available, nor is that
2 stated anywhere in your literature.

3 Other things, such as being able to look
4 at the current pamphlet, comparing this against what
5 is available on the internet today, I can see a
6 current diversion of things such as the proposed
7 flooding of islands along the north Molelumnne, also
8 with respect to the widening and particular
9 discrepancy with respect to how you're currently
10 published in your information and what the stated
11 proposal plans are and with respect to what is
12 presented currently on the internet.

13 Other things you might want to consider
14 is that -- your maps. I am sure that this is -- that
15 there are members of the council that sit down
16 together and take out their little magic markers and
17 propose widening of several areas within the Delta;
18 however, in your current maps though alone, you are
19 unwilling to basically acknowledge the fact that
20 Mildred Island in the middle of the Delta is
21 currently flooded.

22 If you go along the north -- the north
23 end of the Sacramento deep water channel and look at
24 prospect -- on Prospect Island and you examine the
25 levee along Minor Slough, you will find that Prospect

1 Island is currently flooded as of today.

2 If you looked at the top of Frank's
3 tract and you looked at the piece of land there, that
4 is currently flooded, and it has been so.

5 If you look back on this, these are
6 changes that have happened almost four decades ago,
7 and yet they are not even presented currently in the
8 plans. It seems that there is a lack of information
9 that is being presented to you yourselves, as well as
10 being presented to the public.

11 It seems that at this point that we
12 have come down to a matter of three choices. I am
13 very, very much concerned about the fact that the
14 notion of the chain of lakes has been abandoned, the
15 notion of basically for providing for in-Delta
16 storage, and that that is no longer considered an
17 alternate. It has basically kind of been glossed
18 over for the widening of channels and such; however,
19 we have found that basically through recreational use
20 that large bodies of water, looking specifically at
21 Frank's tract, Big Break and Sherman Island, those
22 large bodies of water can both serve to hold water
23 within the Delta as well as to provide a very clear
24 and very well-defined through-Delta conveyance system
25 that is currently unacknowledged, nor is it even

1 shown on the maps.

2 At this point what I think is that in
3 many ways we're looking, as one speaker said, for
4 banished solutions. It reminds me in many ways of
5 the same story, of the truck that runs into the
6 bridge and basically gets stuck, and all the
7 engineering and all the king's men -- you know, all
8 the king's men come out and try to figure out how to
9 unstick this truck, and yet it's a simple child that
10 comes by and asks -- and tells them to take the air
11 out of the tires to be able to drive it back out and
12 to be able to then loosen the pressure and allow him
13 to continue on. It seems that we need to take that
14 same type of simplicity in order to propose a
15 solution and continue it to the future.

16 HEARING OFFICER BODOVITZ: Thank
17 you, Mr. Kinzie.

18 Jean Struthers, Ken Ashford, Jack
19 Schoop.

20 JEAN STRUTHERS: I'm Jean
21 Struthers. I'm also president of the local chapter
22 of the California Native Plant Society. I'm
23 basically not speaking for them, but for our sort of
24 philosophy, which is to try conservation first.
25 Start small and see if it will work. We

1 can always do the other later. Try to alter
2 excessive water uses in agriculture, in cattle, in
3 growing alfalfa. Let's change. Let's not grow those
4 things as much, and grow things that actually belong
5 in the desert, which is where we live.

6 Let's do some publicity for suburban
7 lawn watering and let's get people to plant smaller
8 lawns and actually live the way this state is, as in
9 a desert.

10 We need to recycle more. We need to
11 change all kinds of our little personal habits, and
12 we know that it can work because it did work in the
13 drought.

14 The other thing that we should look at
15 is trying to improve groundwater quality by retaining
16 the water. The trees and the mountains catch the
17 water from the clouds and from the fog that comes in
18 from the Pacific, and the more we save those trees,
19 the more groundwater we'll have. The water flows
20 through the ground, and it's purified by little
21 micro-organisms in the soil, and we will have better
22 water when we get it at the end of the line.

23 We need to stop thinking about
24 reservoirs because they silt in. Those of us who
25 read "The Cadillac Desert," the main item I learned

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1 from that book was that our reservoirs will silt in
2 and then what will we have?

3 So what we need to do is save the water
4 and try to prevent erosion from filling those
5 reservoirs that we already have.

6 In the past it's man's interference
7 that has caused most of the problems, and we need to
8 proceed with caution.

9 Gold mining was the worse. It filled
10 the Bay, it filled the rivers, it filled all sorts of
11 places in the Sacramento Valley.

12 Our dams are only temporary, and they
13 cost a lot. They destroy the environment where the
14 water covers the land, and they stop fish migration.

15

16 The voters already voted against the
17 peripheral canal, and I think that if any major
18 project is built, the voters should have a say-so
19 again.

20 HEARING OFFICER BODOVITZ: Thank
21 you, Ms. Struthers.

22 Ken Ashford, Jack Schoop, Chris Elias.

23 KEN ASHFORD: Thank you,
24 Mr. Chairman.

25 My name is Ken Ashford. I'm with

1 salinity will help us strengthen our limited supplies
2 even via water use and recycling.

3 We are committed to conservation.

4 Metropolitan does up to 114,000 thousand acre feet of
5 water per year at \$116 million of conservation.

6 We believe in water supply reliability,
7 currently which is unreliable. Regulatory
8 uncertainties and threats from natural disasters. As
9 we rehabilitate the environment, we need a single
10 manageable system of regulatory certainty.

11 The solution must be equitable. The
12 package must be affordable. We must have an
13 equitable allocation of cost among all those who
14 benefit, urban water suppliers, ag water supplies and
15 the general public.

16 Whatever solution we arrive at, a mutual
17 assurance must be a key. Assurance for areas where
18 water originates and also for use.

19 In summary, we support the CALFED
20 process again. A successful solution must be
21 balanced and equitable. Metropolitan is committed to
22 helping work through the tough issues via the
23 consensus process.

24 Thank you very much.

25 HEARING OFFICER BODOVITZ: Thank

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1 Metropolitan Water District of Southern California,
2 and I hope I get a loud applause too right after I
3 finish my statement.

4 Metropolitan Water District provides
5 drinking water to 16 million people from Ventura
6 County to the Mexican border. The Delta provides one
7 of our key sources of water via the state water
8 project. Our future is linked closely to the
9 Bay-Delta.

10 I want to start by emphasizing
11 Metropolitan supports CALFED as a vehicle for solving
12 the problems of the Bay-Delta. We salute you and
13 commend you for the process to date. We emphasize an
14 open and inclusive process which you guys have done.

15 We believe that any solution must be of
16 balanced and equitable. By balance we mean the
17 following: All stakeholders must get better
18 together. For the environment, we support
19 comprehensive system-wide enhancement. For water
20 users, we need water quality improvement to protect
21 public health and better management of salinity in
22 our service area. We also need a significant
23 reduction of bromide, which will reduce the health
24 hazard and alleviate costly treatments?

25 We also believe the reduction of

1 you, Mr. Ashford.

2 Let me again remind any of you who wish
3 to speak, you need to fill out a yellow card. This
4 is pretty much last call for yellow cards, so if you
5 wish to speak, please sign up now.

6 Jack Schoop, followed by Chris Elias,
7 followed by Craig Breon.

8 JACK SCHOOP: Jack Schoop.

9 How we treat the Delta is critical since
10 it supports 80 percent of the state's commercial
11 fishery and half the flyaway and drinking water for
12 two-thirds of California, so please take a much
13 harder look at a non-engineering approach to getting
14 water to the south.

15 Use the water more efficiently, so we'll
16 have adequate water for all uses well into the 21st
17 Century, and especially look at agricultural use in
18 the possibility of farmers selling water to the
19 cities.

20 And also considers something that we're
21 very concerned about, that is the urbanization of the
22 agricultural land in the valley. To the extent that
23 it does become urbanized, it will use a lot less
24 water.

25 So I thank you for coming down here and

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1 hearing us here.

2 HEARING OFFICER BODOVITZ: Thank
3 you, Mr. Schoop.

4 Chris Elias, Craig Breon, Fadi Sabi.

5 CHRIS ELIAS: Good evening,
6 Mr. President and members of the CALFED project.
7 Thank you for the opportunity to comment on the
8 package of alternative ways to solve the Delta's
9 problems in coming years.

10 My name is Chris Elias, and I'm the
11 director of environmental programs for the Silicon
12 Valley Manufacturing Group, and I'm pleased to offer
13 the following comments on behalf of our members.

14 By way of background, the manufacturing
15 group is a public policy trade association,
16 representing more than 130 of Silicon Valley's
17 largest high-tech employers on a variety of issues
18 affecting the business climate and quality of life
19 here in the valley. Those 130 members represent
20 about 250,000 employees. That is one in three of the
21 private sector employees here in Silicon Valley.

22 Water use is vital for industries and
23 urban users of Silicon Valley as it is for
24 agriculture throughout the state.

25 As California continues to grow, the

1 CALFED Bay-Delta Problem is to develop a long-term
2 comprehensive plan that will restore ecological
3 health and improve water management for beneficial
4 uses of the Bay-Delta.

5 As members of the business community,
6 we feel it is vital for our economy and our continued
7 viability as manufacturers in Silicon Valley to
8 support the CALFED program in its efforts to tackle
9 the tough water issues surrounding the Bay-Delta,
10 Silicon Valley and the state.

11 Your time and consideration of our
12 views is greatly appreciated. We look forward to
13 continuing to work with you and the Bay-Delta staff
14 as well as the water district staff to ensure that
15 the South Bay remains a healthy place to live and do
16 business.

17 Thank you.

18 HEARING OFFICER BODOVITZ: Thank
19 you, Mr. Elias.

20 Craig Breon, Fadi Sabi, Pat Ferraro, if
21 I'm reading it correctly.

22 CRAIG BREON: You are.

23 Good evening. My name is Craig Breon.
24 I work for the Santa Clara Valley Audubon Society.
25 We have about 4,000 members in the county.

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1 need to address tough issues of how to manage the
2 Bay-Delta becomes critical.

3 Silicon Valley employers deserve a safe,
4 clean and high-quality water.

5 Water supply agencies and utilities
6 continue's to implement advanced treatment
7 technologies to meet increasingly stringent
8 regulatory standards.

9 Many of the electronic and
10 semiconductor companies have invested heavily to
11 further treat their water for their high-tech,
12 high-quality needs. The higher quality the water
13 that arrives at the manufacturer's plant, the less
14 costly it will be for the manufacturer to utilize
15 that water for their high-quality needs.

16 Protecting and improving Bay-Delta
17 watersheds will improve water quality for industries
18 and urban areas for years to come.

19 As members of the business community,
20 we are concerned about the quality of life of those
21 who live and work in Silicon Valley.

22 For decades, the Bay-Delta has been
23 experiencing declining and disappearing fish and
24 wildlife habitats. CALFED offers a balanced way to
25 fix these ecological problems. The mission of the

1 When we poll our members, as most other
2 audubon chapters do around the country, on their
3 priorities, two issues always emerge as numbers one
4 and two, endangered species and wetlands. So while
5 my board tries to keep me working primarily on
6 in-county issues, the Delta has emerged to take a
7 fair amount of my time and a fair amount of the
8 interest of my chapter.

9 I work a lot with the Santa Clara Valley
10 Water District. As such, I served on a group of
11 stakeholders involved in their integrated water
12 resource planning project. About 20, 25 people from
13 around the county, two of us representing
14 environmental interests and the others representing
15 other interests, looked at the possible ways of
16 solving our water problems in our county to the year
17 2020. And what we came up with was an emphasis on
18 conservation, recycling, water transfers and water
19 banking. An in-county dam was one of the options we
20 had, and the group chose not to pursue it mainly
21 because of time, expense, public opposition, and the
22 fact that other choices we had were faster, better
23 and cheaper.

24 I hope that that is the message that
25 eventually comes out of Santa Clara County to you,

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1 that we are doing many things here which I think
2 should serve as the model for a statewide program. I
3 work quite often with San Jose's water recycling
4 efforts, and that shows the benefits, not only of
5 water supply but in other ways of water recycling.
6 There are, amongst other things, a large public
7 education campaign surrounding that, and I think
8 that's an important element, and, also, you may know
9 that we have a problem with waste water flows to the
10 Bay, as do many other areas in California.

11 Recycling ought to be an increased
12 emphasis in this program, because not only is it
13 going to increase supply but it is going to provide
14 those other benefits as well, and I think you can
15 look at our region for that.

16 We had one of the first storm water
17 source nonpoint source pollution permits in the
18 country. We are not only working on point sources of
19 pollution, but have been working on nonpoint sources
20 since the late '80s in particular with our permits.

21 It should become a necessity that the
22 other regions that you are dealing with, in
23 particular the central valley and the source water
24 areas in the sierras get nonpoint source permits and
25 have vigorous nonpoint source programs to improve

1 Sabi Pat Ferraro, Nancy Richardson.

2 Fadi Sabi?

3 UNIDENTIFIED VOICE: Fadi left.

4 PAT FERRARO: Hi. My name is Pat
5 Ferraro. I'm a former director of the Santa Clara
6 Valley Water District and now the executive director
7 of the Silicon Valley Pollution Prevention Center.

8 I simply want to reiterate and support
9 the comments of those who preceded me in terms of
10 their comments about water quality.

11 The Santa Clara Valley does a
12 tremendous amount of pollution prevention, both
13 through its watershed management initiative, through
14 its urban runoff of program, through its POTW staffs,
15 and through both non-profit and of government-run
16 pollution prevention program.

17 All I can ask is that CALFED consider to
18 do likewise upstream. It's not fair for us to do
19 pollution prevention downstream and then have to do
20 end of the pipe treatment as well because you can't
21 follow a good example that we are trying to set for
22 the state, and I would ask that you incorporate
23 pollution prevention much stronger into your final
24 alternatives than you presently have.

25 Thank you.

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1 water quality, and, once again, I think they can look
2 to our county to do that.

3 A couple of final points: Let us
4 remember that the root of this dilemma was not that
5 agriculture was dying in California, and it was
6 certainly not that the suburbs were dying in
7 California. This whole process started from the
8 driving source, in fact, that the Delta was dying,
9 and while I very much agree that if we can give
10 greater reliability -- give viability to ag over
11 time, we should know that this process was driven by
12 the species problems in the Delta, it remains largely
13 driven by that, and the other goals should be to
14 minimize impacts, but we should not allow this
15 process to be derailed from its original purpose.

16 Finally, you're not going to achieve
17 consensus here. We probably shouldn't even be
18 talking about it. Hearing from everybody's voice is
19 important, and you guys are doing that. We should
20 not be fooling ourselves that we will arrive at a
21 consensus. Some people will gain and some people
22 will lose. Hopefully we'll all gain as much as we
23 can.

24 Thank you.

25 HEARING OFFICER BODOVITZ: Fadi

1 HEARING OFFICER BODOVITZ: Thank
2 you, sir.

3 Nancy Richardson, Priscilla Albright,
4 P.M. Mistry.

5 Those are the remaining cards I have.
6 Really last call. If anybody else wishes to speak,
7 fill out one of the yellow cards, please.

8 NANCY RICHARDSON: Nancy
9 Richardson, Santa Clara County Farm Bureau. We'd
10 also like to thank you for coming here and taking
11 comments from around the state.

12 As you have heard several other
13 speakers say, our local efforts have provided some
14 tremendous improvements, maybe in what has been seen
15 in other areas of the state. Specifically because of
16 the kinds of crops we grow here and the amount of
17 conservation that is currently taking place, we have
18 achieved a tremendous amount of water conservation in
19 ag already.

20 What we're considered about is in years
21 of drought when the water district receives less than
22 their full allotment, that we will be asked to
23 conserve more than we are going to be able to do,
24 largely because we have already conserved a
25 tremendous amount.

1 We are working with the water district
2 right now in developing trends of operation,
3 methodologies, using computer-based irrigation
4 methods and the like to try and reduce our use even
5 more.

6 And unlike statistics you may have seen
7 in the San Jose Mercury News this morning, Santa
8 Clara County Agriculture uses 7 percent of the water
9 here.

10 What we're concerned about is if we do
11 have to conserve more than we can, fallowing land
12 will be inevitable, and really that's not going to be in
13 the best interest of the county. We have worked very
14 hard with the County of Santa Clara, with their
15 general plan, to keep agriculture a viable industry
16 in this county, unlike maybe rural counties where
17 everything depends on agricultural.

18 What agriculture does for the people
19 here is provides ambience, the quality of life, and
20 the very things that people come to this valley for.
21 If we start fallowing land, we're not going to see
22 that. Those kinds of benefits will certainly change.

23 What we would like to see is recognition
24 for the amount of conservation that is already taking
25 place, and we would also say that we ultimately

1 and I don't know whether you have gone by and seen
2 water spilling out on the road and what we all have.

3 All urban areas should meter their
4 water. There are still some that are not metering
5 the individual houses.

6 Water efficient home fixtures and
7 appliances should be a stringent requirement. We
8 should eliminate huge lawns. There should be an
9 educational program to make lawns as unfashionable as
10 cigarettes have become in California.

11 The CALFED plan doesn't really do
12 enough to restore wetlands, false riverbanks, to let
13 nature filter out the pollution.

14 We also need to reduce pesticide runoff
15 from farms and other non-carcinogens.

16 We should stop irrigating marginal lands
17 that poison our water.

18 As far as Alternative 3 with the canal,
19 CALFED has proposed no guarantees that this canal
20 would not degrade the environment further, and I
21 support many of the other things that have been said.

22 Thank you.

23 HEARING OFFICER BODOVITZ: Thank
24 you, Ms. Albright.

25 P.M. MISTRY.

1 believe that no plan will be complete without
2 additional storage. With a population growth
3 projected to be what it is over the next 50 years,
4 conservation alone won't do it.

5 Thank you very much.

6 HEARING OFFICER BODOVITZ: Thank
7 you, Ms. Richardson.

8 Priscilla Albright, P.M. Mistry, Brian
9 Staab. I'm not sure I'm reading it right. I'm sure
10 I'm not.

11 PRISCILLA ALBRIGHT: Hi. My name
12 is Priscilla Albright. I represent the League of
13 Women Voters from Saratoga, Los Gatos and
14 Montgereno.

15 And we agree with many of the comments
16 that have been made about water conservation. We're
17 very concerned that the documents so far do not
18 reflect the full potential for water conservation to
19 meet future water needs. Water conservation can be
20 cheaper and less harmful to the environment than
21 building costly dams.

22 Some examples might be the use. We are
23 still growing low value crops which use a lot of
24 water in areas that are naturally aired. All
25 agriculture should have efficient irrigation systems,

1 P.M. MISTRY: I am a chemical
2 engineer, and I worked as a desalination engineer at
3 Saudi Arabia for (inaudible) for about 10 years.

4 I have recently immigrated to San Jose,
5 and I would like to make a suggestion that the
6 California state should go in for large scale
7 desalination plans. I have seen desalination plans
8 operated in the Gulf countries and large scale
9 chemical plants, fertilizer, refineries and even
10 agriculture is being done on desalinated water, so
11 this should be one of the options, and I have seen
12 high-technology desalination companies visiting
13 American, Germany, Ukraine, France, they are doing
14 good in the Gulf countries, so they should come -- or
15 the California state should take advantage of the
16 high-technology in desalination to take care of the
17 water brought in.

18 Thank you.

19 HEARING OFFICER BODOVITZ: Thank
20 you, Mr. Mistry.

21 I'm sorry, I'm having trouble reading
22 it. Tell me how to pronounce it.

23 BRIAN STAAB: My name is Brian
24 Staab, and I'm sorry I haven't had a chance to review
25 the document. I just moved to the area, so I guess

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1 I'm part of the growth problem actually here in the
2 valley and one of reasons that we are here, but I am
3 familiar with some of the issues, and I'd just like
4 to reiterate what some of the issues that were
5 brought forth were.

6 The increasing problems of fresh water
7 flows to the Bay, and the fact that, for example, San
8 Diego has just implemented a recycling program
9 through an agreement with the EPA to reduce their
10 sewage discharges to the ocean, so the technology is
11 available to recycle that water for drinking, and if
12 that's not acceptable to the public, it's certainly
13 capable of being used for industry, so I think that
14 that solves some of the fresh water flow problems,
15 and it also creates -- it mitigates some of the
16 source water problems.

17 Also, and, again, I haven't read the
18 document, but my question regarding watershed
19 management is: Are we addressing some of the
20 urbanization, or actually suburbanization issues, and
21 trying to develop compact communities where people
22 can get to work and get to the places they need to go
23 without "why do you need 2,000 pounds of steel to get
24 a 2 pounds of milk"? Issues like that where you
25 address air quality, you address some of the

1 STATE OF CALIFORNIA)
2) ss.
3 COUNTY OF CONTRA COSTA)
4

5 I, LESLEY D. SCHNEIDER, Certified
6 Shorthand Reporter of the State of California, do
7 hereby certify:

8 That on the 18th day of May, 1998, at
9 the hour of 7:00 p.m., I took down in shorthand notes
10 the said CALFED Bay-Delta Program, Public Hearing;
11 that I thereafter transcribed my shorthand notes of
12 said hearing by computer-aided transcription, the
13 above and foregoing being a full, true and correct
14 transcription thereof, and a full, true and correct
15 transcript of all proceedings had.

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1 transportation issues, and you're certainly
2 addressing your water quality problems by not
3 increasing nonpoint source runoff, and not paving
4 over your recharge areas.

5 Thank you.

6 HEARING OFFICER BODOVITZ: Thank
7 you, Mr. Staab.

8 Mr. Staab is the last speaker who signed
9 up tonight. Thank you all very much for coming.
10 This was one of our most informative hearings, and we
11 appreciate all of you taking the time to come.

12 The meeting is adjourned.

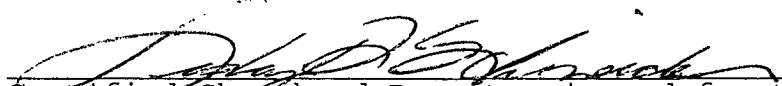
13
14 (The hearing concluded at 8:20 p.m.)

15 ---oOo---

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